

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 21-cr-168 (DWF/TNL)

Plaintiff,

v.

ORDER

Marlow Ramsey Carson,

Defendant.

This matter comes before the Court on Defendant's Motion to Exclude Time Under the Speedy Trial Act (ECF No. 23) and Amended Motion to Exclude Time Under the Speedy Trial Act (ECF No. 25). Defendant has also filed a Statement of Facts in Support of excluding time. (ECF No. 24.) In both motions, Defendant explains that his counsel is consulting with Defendant's counsel in a state court criminal matter. (ECF Nos. 23 & 25.) State court counsel, however, has been out of the office due to a surgery. (*Id.*) Both motions request that time be excluded until October 29, 2021, when state court counsel will return from his medical leave. (*Id.*) Defendant understands that this exclusion creates a delay in this matter but agrees to the exclusion of time. (ECF No. 24 at 1.)

The original motion did not specify on what day Defendant was asking to begin the exclusion of time (*see* ECF No. 23), so the Court directed Defendant to file an amended motion specifying the exact dates Defendant was asking to exclude from his speedy trial computations. In the amended motion, Defendant specifies that he is requesting the Court

to exclude the period of time from October 12¹ through October 29, 2021. (ECF No. 25 at 1.) The Government does not oppose the amended motion. (*Id.*)

This Court finds that the ends of justice served by excluding this time outweighs the best interests of the public and Defendant in a speedy trial and such continuance is necessary to allow defense counsel to confer with state court counsel. *See* 18 U.S.C. § 3161(h)(7)(A). The Court further finds that, pursuant to 18 U.S.C. § 3161(h)(7)(B)(i), a miscarriage of justice would result if time were not excluded under these unique circumstances.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion to Exclude Time Under the Speedy Trial Act (ECF No. 23) is **DENIED AS MOOT**.
2. Defendant's Amended Motion to Exclude Time Under the Speedy Trial Act (ECF No. 25) is **GRANTED**.
3. The period of time from October 12 through October 29, 2021, shall be excluded from Speedy Trial Act computations in this case.

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¹ This is the day that the Court issued an order on Defendant's pretrial motions. (*See* ECF No. 22.)

4. **Within seven days from the date of this Order, Counsel must contact the Courtroom Deputy for District Judge Donovan W. Frank to confirm the new trial date.**

Dated: November 2, 2021

s/Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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